

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BRIAN BRODY,

Plaintiff,

- against -

THE CITY OF NEW YORK, NYWT ZEPHYR,
LLC, CIRCLE LINE-STATUE OF LIBERTY
FERRY, INC., CIRCLE LINE HARBOR CRUISES,
LLC, CIRCLE LINE LIQUIDATION, LLC., NEW
YORK TRANS HARBOR LLC, NYWT CIRCLE
LINE LLC, STATUE LIQUIDATION, INC., *in*
personam, and the vessel "ZEPHYR," its engines,
equipment, tackle and appurtenances. *In rem*.

Defendants.

ANSWER

11 CIV. 4367 (DLC)

City file No. 2011-020996

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Defendant, THE CITY OF NEW YORK, by its attorney MICHAEL A. CARDOZO,
Corporation Counsel of the City of New York, answers the complaint upon information and
belief, as follows:

1. Admits the allegations set forth in paragraphs 1-4 of the complaint.
2. Denies knowledge or information sufficient to form a belief as to the truth
of the allegations contained in paragraph 5 of the complaint.
3. Denies the allegations set forth in paragraph 6-8 and 10 of the complaint.
4. Denies each allegation set forth in paragraphs 9, 11, 20, 29, 38, 47, 56, and
65, of the complaint except as otherwise pleaded herein.
5. Denies each allegation set forth in paragraphs 12-19, 21-28, 30-37, 39-46,
48-55, 57-64, and 66-73 inclusive, so far as the same may refer to the defendants answering
hereby.

AFFIRMATIVE DEFENSES

6. Plaintiffs' culpable conduct caused or contributed, in whole or in part, to his/her/their injuries and or damages.

7. The plaintiff fails to state a claim upon which relief can be granted.

8. The plaintiff has failed to mitigate the injuries and/or damages alleged to have been sustained by plaintiff.

9. Where plaintiff seeks to recover damages pursuant to this action, any such costs or expenses from any collateral source shall reduce any judgment rendered in favor of plaintiff as against defendant.B

CROSS-CLAIMS


10. Any damages sustained by the plaintiffs were caused in whole or in part by the acts or omissions of defendants NYWT ZEPHYR, LLC, CIRCLE LINE-STATUE OF LIBERTY FERRY, INC., CIRCLE LINE HARBOR CRUISES, LLC, CIRCLE LINE LIQUIDATION, LLC., NEW YORK TRANS HARBOR LLC, NYWT CIRCLE LINE LLC, STATUE LIQUIDATION, INC.,, who are or may be liable to the defendant(s) answering hereby for contribution on the basis of their equitable shares of responsibility, or for indemnity on the basis of a contract between them, actual or implied.

11. Defendant THE CITY OF NEW YORK asserts a cross-calim against the vessel "ZEPHYR," its engines, equipment, tackle and appurtenances. *In rem.*

WHEREFORE, defendant THE CITY OF NEW YORK demands judgment dismissing the complaint and all cross-claims against them, or, in the event that they are adjudged liable, granting judgment over, or apportioning such liability in accordance with their equitable shares of responsibility, and awarding the costs of this action, together with such other and further relief as to the court may seem just.

New York, New York
October 5, 2011

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